

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MILTON MCCRAY

Plaintiff,

v.

JUDGE RICHARD BENNETT

SUSQUEHANNA BANK

MCGUIRE WOODS LLP

GORDON, FEINBLATT, ROTHMAN,

HOFFBERGER, AND HOLLANDER, LLC

Defendants.

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CIVIL ACTION NO. JFM-06-2182

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**MEMORANDUM**

On April 30, 2004, a civil action alleging violations under the Fair Debt Collection Act was filed by plaintiff against Susquehanna Bank (“Susquehanna”). *See McCray v. Susquehanna Bank*, Civil Action No. RDB-04-1382 (D. Md. 2004). On October 29, 2004, Judge Richard D. Bennett granted Susquehanna’s motion for summary judgment. The United States Court of Appeals for the Fourth Circuit affirmed the district court’s judgment.

On August 18, 2006, plaintiff filed a complaint with this court accusing Susquehanna and its attorneys of being “corruptors” in engaging in ex parte communications with Judge Bennett when they provided Judge Bennett a copy of a court opinion<sup>1</sup> two days before summary judgment was entered in *McCray v. Susquehanna Bank*, Civil Action No. RDB-04-1382. He further accuses Judge Bennett of: (1) making a false statement in his dispositive memorandum regarding the receipt of the court opinion; (2) ignoring plaintiff’s exhibits when ruling on the merits of his case; (3) conspiring with Susquehanna and its attorneys to find in Susquehanna’s favor based upon receipt

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<sup>1</sup> This was apparently the June 17, 2004, memorandum opinion in *McCray v. America Online, Inc., et al.*, Civil Action No. JFM-03-3616 (D. Md. 2004).

of the court opinion; and ( 4) failing to afford plaintiff notice and the opportunity to be heard on the newly-filed court opinion.<sup>2</sup>

The complaint was instituted as a federal civil rights action. Plaintiff has not submitted the \$350.00 civil filing fee or an indigency application. Notwithstanding this omission, the filing fee shall be waived and the complaint for injunctive and declaratory relief shall be dismissed. Even when affording the complaint a generous construction, the court finds it bereft of any federal claims. At best, plaintiff's claims present an attack on a final judgment previously entered by this court. He is seemingly raising grounds for appellate and misconduct review which were or should have been articulated before the Fourth Circuit, not this district court.

A separate Order follows.

Date: August 30, 2006

/s/ \_\_\_\_\_  
J. Frederick Motz  
United States District Judge

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<sup>2</sup> From a review of the attachments it appears that plaintiff filed suit in the Circuit Court for Baltimore City against the defendants named in this case. Plaintiff accuses the "Court of Maryland" of covering up counsel's ex parte communication with Judge Bennett. He claims that a state circuit court judge denied him indigency status, while another circuit court judge barred him from filing a complaint against Judge Bennett and McQuire, Woods, LLC and threatened him with imprisonment if he continued to repeat his claims against Judge Bennett. Further, plaintiff alleges that another state circuit court judge granted summary judgment in favor of defendant Gordon Feinblatt without affording him notice and opportunity to respond to the motion.